

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GREGORY BOLIN,

Case No. 3:07-cv-00481-MMD-CLB

Petitioner,

v.

ORDER

WILLIAM GITTERE,¹ *et al.*,

Respondents.

On July 20, 2021, Petitioner Gregory Bolin, filed a motion to stay these habeas proceedings while he exhausts currently unexhausted claims in state court. (ECF No. 265.) On September 8, 2021, Bolin and the Respondents filed a stipulation to stay the case for that purpose. (ECF No. 268.) For good cause shown, the stay will be granted.

It is therefore ordered that Bolin's motion to stay (ECF No. 265) is granted. This action is stayed while Bolin exhausts in state court his unexhausted claims for habeas corpus relief. Bolin must file his exhaustion petition in the state court within 60 days of the date of this order.

It is further ordered that, on or before December 15, 2021, Bolin must file a status report describing the status of his state-court proceedings. Thereafter, during the stay of this action, Bolin must file such a status report every six months (on or before June 15,

¹Based on a Nevada Department of Corrections Inmate Search (<https://ofdsearch.doc.nv.gov/form.php>), Petitioner Bolin is currently housed at Ely State Prison. Thus, the warden of that facility, William Gittere, is substituted for Calvin Johnson as the primary Respondent. See *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (noting that the default rule is that the proper respondent is the warden of the facility where the prisoner is being held).

1 2022; December 15, 2022; etc.). The Respondents may, if necessary, file a response to
2 any such status report within 15 days after it is filed. If necessary, Bolin may reply within
3 15 days of the filing of the response.

4 It is further ordered that, within 30 days of the conclusion of Bolin's state court
5 proceedings, Bolin must move to lift the stay.

6 It is further ordered that this action will be subject to dismissal upon a motion by
7 the Respondents if Bolin does not comply with the time limits in this order, or if he
8 otherwise fails to proceed with diligence during the stay imposed under this order.

9 DATED THIS 10th Day of September 2021.

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12 MIRANDA M. DU
13 CHIEF UNITED STATES DISTRICT JUDGE
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